

**ZONING BOARD OF APPEALS**  
**TOWN OF CHESTER**  
1786 Kings Highway  
Chester, New York 10918  
June 19, 2014

Members Present: Chairman Dimitrios Lambros, Gregg Feigelson, Walter Popailo, Konrad Mayer, Julie Bell, Vincent Finizia, David Aikman- Attorney.

Members Absent: Ernie Damiani

The next ZBA meeting will be held on July 17, 2014 at 7:00 PM.

**John Onorevale: 19 Adams Drive, Monroe, NY 10950 – Public Hearing**

This property is located in the SR2 zoning district and in the Lake Hill Farms development. The Onorevales's were given a denial for a building permit by Joe Mlcoch. The Onorevale's are looking to get a three (3) foot area variance to construct a roof over top of a stoop to protect it from the elements. Mr. Onorevale feels this is a safety issue with water and ice. This requires a thirty five foot (35') front yard setback and the Onorevale's have only thirty two feet (32').

A motion was made by Lambros which was seconded by Mayer to open this up to a Public Hearing. Motion carried in favor.

Let the record reflect that no one came forward to speak for or against the applicant.

Let the record reflect that the mailings are correct and that the proper ad was placed in the Times Herald Record.

SEQRA determination is that this is a Type 2, no further action is required.

Julie Bell requested that the resolution state that this can never be enclosed.

The Board voted unanimously that this would not cause a detriment to the neighborhood.

The Board voted unanimously that this applicant could achieve his goals via a reasonable alternative.

The Board voted unanimously that the variance was not substantial.

The Board voted unanimously that this would not have an adverse impact on the neighborhood.

The Board voted 4-1 that this was not a self-created difficulty with Bell voting that it was.

## **ZONING BOARD OF APPEALS**

**TOWN OF CHESTER**

**1786 Kings Highway**

**Chester, New York 10918**

**June 19, 2014**

A motion was made by Konrad Mayer and seconded by Walter Popailo to grant a front yard variance of three feet pursuant to 98-9, section A for a porch cover that would reduce the front yard setback to thirty two (32') feet where thirty five (35') feet is required. In addition resolution will state that the porch cover never be enclosed.

Lambros made a motion which was seconded by Popailo to grant this variance. Finizia will not be voting. Motion was carried in favor.

**This variance was granted.**

### **David & Caroline Hamling: 36 Natures Trail, Chester, NY 10918 - Work Session**

This is the Hamling's fourth appearance before the Board. Their application was for an interpretation. They could not produce any evidence that the barn was converted into living space prior to 1974. As of May 2014 it is being taxed by the Town of Chester Assessors Office. Presently there are no permits or certificates of occupancy on this dwelling. The Hamling's son and daughter are presently living there while waiting to build a house. The Hamling's future plans are to subdivide their property. Chairman Lambros and the Board members discussed the issue and what could be done.

Chairman Lambros wrote a letter to Alex Jamieson and Joe Mlcoch stating that the Zoning Board would like to grant a temporary variance for twelve to fourteen months so that the Hamlings would have time to go before the Planning Board and get the subdivision approved. This is not a temporary Certificate of Occupancy; it is a stay so the Hamling's can proceed with the subdivision.

Letter is on file.

Gregg Feigelson had a concern that the Hamling's still would not be subdividing the original house and the house in the barn after these twelve or fourteen months. There still would be two dwellings on one lot. There would still be a variance problem.

Mr. Hamling stated that it would probably then become a caretaker's cottage or whatever is permitted by the zoning laws.

Gregg Feigelson stated that according to zoning it has to be in context with the caretaker taking care of something.

**ZONING BOARD OF APPEALS**  
**TOWN OF CHESTER**  
1786 Kings Highway  
Chester, New York 10918  
June 19, 2014

Julie Bell also had a concern that if the Zoning Board grants a temporary variance on this property and something should happen is the Town going to be open to lawsuits. Chairman Lambros stated that would highly be unlikely.

A motion was made by Lambros which was seconded by Popailo to grant a temporary variance permitting two dwellings on one lot for a term no longer than fourteen (14) months expiring September 2015. This would be pending Planning Board application for a subdivision. A provision would be that before the fourteen months are up if the Hamling's need extra time they would have to make an application to the Zoning Board for the additional time.

Motion was carried in favor 4-1. Gregg Feigelson opposed because he felt this still would not be solving the issue of the two dwellings on one lot when this variance expires.

**A temporary variance was granted.**

**Walton Lake Country Club – 44 Heaton Road – Continued Public Hearing**

This is a continued public hearing. They are before the Board as a co-op to resolve various non conforming issues such as alterations, decks, additions etc. that have already been done. They have furnished new applications with unit numbers and under the corporation president's name. They would like to bring the units up to code.

Lambros made a motion which was seconded by Mayer to close this public hearing. Motion carried in favor.

Chairman Lambros stated that since the variances are all non conforming the Board would do a blanket variance making specific notes to certain units.

Lambros made a motion which was seconded by Popailo to grant the following variances. Finizia will not be voting.

Motion carried in favor.

SEQRA determination was that this is a Type 2, no further action is required.

**.....a variance of 98-8 of the Code of the Town of Chester, "Nonconforming buildings, structures and uses," to permit multiple improvements and additions which have been made to the subject parcel to remain, specifically to Units 5, 7, 8, 81/2, 9, 11, 12, 14, 15, 16, 17, 20, 22, 24, 26 and 28.**

**ZONING BOARD OF APPEALS**  
**TOWN OF CHESTER**  
1786 Kings Highway  
Chester, New York 10918  
June 19, 2014

**.....a variance of Attachment 2:5 of Section 98 of the Code of the Town of Chester, "Schedule of Use and Area requirements, SR-2 District," to allow for a fifty-four and four tenths foot (54.4') front yard setback where sixty feet (60') are required, as pertains to Unit # 10.**

**.....a variance of Attachment 2:5 of Section 98 of the Code of the Town of Chester, "Schedule of Use and Area requirements, SR-2 District," to allow for a forty-eight and seven tenths foot (48.7') front yard setback where sixty feet (60') are required, as pertains to Unit # 12.**

**.....a variance of Attachment 2:5 of Section 98 of the Code of the Town of Chester, "Schedule of Use and Area requirements, SR-2 District," to allow for a twenty-one and seven tenths foot (21.7') side yard setback where thirty feet (30') are required, as pertains to Unit # 7.**

**.....a variance of Section 98-11 of the Code of the Town of Chester, "Accessory Buildings," to allow for a shed with a distance of two feet (2) from the side property line where ten feet (10') are required, as pertains to Unit #7. (Rear shed)**

**.....a variance of Section 98-11 of the Code of the Town of Chester, "Accessory Buildings," to allow for a shed with a distance of zero feet (0') from the side property line where ten feet (10') are required, as pertains to Unit #7. (Side shed)**

The Board voted unanimously that this would not cause a detriment to the neighborhood.

The Board voted unanimously that this applicant could achieve his goals via a reasonable alternative.

**ZONING BOARD OF APPEALS**  
**TOWN OF CHESTER**  
1786 Kings Highway  
Chester, New York 10918  
June 19, 2014

The Board voted unanimously that the variance was substantial.

The Board voted unanimously that this would not have an adverse impact on the neighborhood.

The Board voted 4-1 that this was a self-created difficulty.

The variance would state that any further alterations, improvements or additions to any units will have to be approved by the Building Inspector first.

**These variances were granted.**

**Ohel Torah – 158 Greycourt Road – Work Session - Interpretation**

Attorney Ostrer is representing Ohel Torah. He approached the Board and asked for a postponement till July or August because his client would have to do an amended application. His client appeared before the Planning Board last night and apparently there is a conflict in the zoning law of district regulations. This provides one acre for a school. There does not appear to be any school that is identified for one acre. Also, a school for special instruction although mentioned in the table is not regulated. The Planning Board has requested a narrative from Kirk Rother, Ohel Torahs engineer which Attorney Ostrer will present to the Zoning Board also. He will speak to Dave Donovan regarding this and would like to submit a further application. He will call to be put on the July or August schedule.

A motion was made by Lambros and seconded by Popailo to close this meeting. Motion carried in favor.

Respectfully submitted,

Dot Wierzbicki  
Zoning Board Clerk